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REMARKS

This response is intended as a full and complete response to the non-final Office Action mailed March 10, 2005. In the Office Action, the Examiner notes that claims 106-118 are pending and rejected. By this response, Applicant has amended claims 106, 112, and 115.

The amendments to the claims are fully supported by the Specification and Drawings. For example, the amendments to claim 112 are supported at least by page 44, lines 8-10. The amendments to claims 106 and 115, generally speaking, combine the additional features for video calling (e.g. as illustrated in Figure 30, including encryptor 720, which is further described at page 83, lines 26-27) with the Level D upgrade (e.g. as illustrated in Figure 12b). Support for this combination of the video call features with the Level D upgrade is provided, for example, at least at page 82, lines 13-16 (emphasis added below):

"A preferred form of the present invention provides video calling capability in the set top terminal 220. To support video calling, the set top terminal 220 is augmented with additional features, as shown in Figure 30. The additional features can be integrated into an enhanced set top terminal 220 or provided as one or more upgrades to a more basic set top terminal 220."

Thus, additional features for video calling, including the encryptor, can be included in one or more upgrades. One of ordinary skill in the art would understand that "one or more upgrades" includes the specific embodiments of upgrades discussed in the Specification, such as the Level D upgrade. Thus, no new matter has been added and the Examiner is respectfully requested to enter the amendments to the claims.

In view of both the amendments presented above and the following remarks, Applicant submits that the claims now pending in the application are not anticipated under the provisions of 35 U.S.C. §102. Thus, Applicant believes that all the claims are allowable.

It is to be understood that Applicant, by amending the claims, does not acquiesce to the Examiner's characterizations of the art of record or to Applicant's subject matter recited in the pending claims. Further, Applicant is not acquiescing to

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the Examiner's statements as to the applicability of the art of record to the pending claims by filing the instant responsive amendments.

OBJECTIONS

The Examiner has objected to claim 112 stating that there is insufficient antecedent basis for the limitation "said circuitry" in line 2. Applicant respectfully traverses the Examiner's rejection. Claim 112 has been amended to remove the word "said". Therefore, Applicant respectfully requests that the rejection be withdrawn.

REJECTIONS

REJECTION UNDER 35 U.S.C. §102

A. Claims 106-118

Claims 106-118 are rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent 5,990,927 to Hendricks et al. (hereinafter "Hendricks"). Applicant respectfully traverses the rejection.

"Anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim" (Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co., 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing Connell v. Sears, Roebuck & Co., 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). The Hendricks reference fails to disclose each and every element of the claimed invention, as arranged in the claim.

Applicant's claim 106 recites (emphasis added below):

"106. Apparatus for upgrading a capability of a set top terminal (STT), said STT adapted to receive a data stream including a plurality of compressed program signals, decompress a compressed program signal and provide a corresponding output signal adapted for use by a display device, said apparatus comprising:

a STT interface, for enabling communication with said STT;
an upgrade decryption module, for decrypting an encrypted program signal to provide thereby a compressed program signal; and
an upgrade encryption module, for encrypting an upstream transmission signal comprising at least one of audio and video data."

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Specifically, The Hendricks reference fails to teach or suggest at least the "upgrade encryption module, for encrypting an upstream transmission signal comprising at least one of audio and video" as recited in claim 106 as amended.

The Hendricks reference discloses a hardware upgrade for a set top terminal. In particular, the Hendricks reference discloses (emphasis added below):

"FIG. 12b diagrams the interaction between the set top terminal 220 and the Level D hardware upgrade, indicated generally at 130. As shown in the figure, the CATV signals are input to the set top terminal 220 through its tuner 603 and receiver components 601. As described above, the microprocessor 602 coordinates all cable television signal reception by the set top terminal 220. The Level D hardware upgrade 130 makes use of a microprocessor 132, a tuner 134, a demodulator 136, a demultiplexer 138, a decryptor 140 and an audio decompressor 142." (column 27, lines 41-50)

Thus, the Hendricks reference discloses a hardware upgrade having a decryptor. However, the Hendricks reference does not teach or suggest that the hardware upgrade comprises an "upgrade encryption module, for encrypting an upstream transmission signal comprising at least one of audio and video".

As such, Applicant submits that independent claim 106 is not anticipated by Hendricks. Moreover, independent claim 115 contains substantially similar limitations as those discussed above in regards to claim 106. Therefore, claims 106 and 115 are allowable under 35 U.S.C. §102. Furthermore, dependent claims 107-114 and 116-118 depend directly or indirectly from independent claims 106 and 115 and recite additional limitations thereof. As such and for at least the same reasons discussed above with respect to claims 106 and 115, these dependent claims are also not anticipated by Hendricks and are allowable under 35 U.S.C. §102. Therefore, Applicant respectfully requests that the rejection be withdrawn.

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CONCLUSION

Applicant submits that claims 106-118 are in condition for allowance. Accordingly, reconsideration and allowance are respectfully solicited.

If, however, the Examiner believes that there are any unresolved issues requiring adverse final action in any of the claims now pending in the application, it is requested that the Examiner telephone Eamon J. Wall at (732) 530-9404 so that appropriate arrangements can be made for resolving such issues as expeditiously as possible.

Respectfully submitted,

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E J Wall
Eamon J. Wall, Attorney
Reg. No. 39,414
(732) 530-9404

Moser, Patterson & Sheridan, LLP
Attorneys at Law
595 Shrewsbury Avenue, Suite 100
Shrewsbury, New Jersey 07702

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